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Attorneys for Defendant  
Raj Abhyanker

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NEXTDOOR.COM, INC., a Delaware  
corporation,

Plaintiff,

vs.

RAJ ABHYANKER, an individual,

Defendant.

RAJ ABHYANKER, an individual

Counterclaimant,

vs.

NEXTDOOR.COM, INC., a Delaware  
corporation; PRAKASH  
JANAKIRAMAN, an individual;  
BENCHMARK CAPITAL PARTNERS,  
L.P., a Delaware limited partnership;  
BENCHMARK CAPITAL  
MANAGEMENT CO. LLC, a Delaware  
limited liability company; SANDEEP  
SOOD, an individual; MONSOON  
ENTERPRISES, INC., a California  
corporation, and DOES 1–50, inclusive;

Counterdefendants.

Case No. 3:12-cv-05667-EMC

**DECLARATION OF BRIAN ORION IN  
SUPPORT OF MOTION TO WITHDRAW  
AS COUNSEL BY BRUNO TARABICHI,  
HEATHER NORTON, SCOTT ALLEN,  
ROY MONTGOMERY AND BRIAN  
ORION**

Date: July 17, 2014  
Time: 1:30 p.m.  
Courtroom: 5 – 17<sup>th</sup> Floor  
Judge: Honorable Edward M. Chen

1 I, BRIAN ORION, declare as follows:

2 1. I am an attorney at law, duly admitted into practice before all courts for the State  
3 of California. I am counsel for Defendant Raj Abhyanker. I make this Declaration in support of  
4 the Motion to Withdraw as Counsel By Bruno Tarabichi, Heather Norton, Scott Allen, Roy  
5 Montgomery, and Brian Orion. The matters set forth herein are of my own personal knowledge,  
6 and if called upon to testify as to such matters, I could and would do so.

7 **Request For Hearing To Be Held In Camera Without Opposing Counsel**

8 2. My legal research regarding the recommended best practices for withdrawing in  
9 the instant situation reveals that an attorney should request that the court hear the motion to  
10 withdraw *ex parte*, in camera. This is the recommended practice by official publications of the  
11 California State Bar, such as the California Bar Journal, as well as relevant judicial decisions. It  
12 appears that sometimes the presiding Judge will order another judge to conduct the in camera  
13 review to avoid prejudice or bias moving forward. *See, e.g.*, Diane Karpman, How to Safely  
14 Withdraw From a Case, California Bar Journal (May 2010); *United States v. D'Armond*, 65 F.  
15 Supp. 2d 1189, 1193 (D. Kan. 1999) (hearing counsel's proffer in support of motion to withdraw  
16 *ex parte*, in camera).

17 3. In order to avoid any breaches of confidentiality to my client Mr. Abhyanker that  
18 may result from briefing and hearing the Motion to Withdraw on the record, I respectfully request  
19 permission to proffer my reasons in support of withdrawal during an *ex parte*, in camera hearing.

20 **The California Rules of Professional Conduct Require Withdrawal**

21 4. Based on my review and analysis of Rule 3-700 of the California Rules of  
22 Professional Conduct, I believe that I am ethically required to seek to withdraw in the instant  
23 case. I would request permission to proffer the reasons supporting the request to withdraw  
24 confidentially in an *ex parte*, in camera hearing so as to not prejudice my client.

25 **Notice Has Been Given to Client**

26 5. I have provided advance notice of my intent to seek withdrawal in this case to my  
27 client Raj Abhyanker. Mr. Abhyanker has not provided his consent to the withdrawal.  
28

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct.

3 Executed June 11, 2014 at San Francisco, California.

4  
5 /s/ Brian Orion  
6 Brian Orion  
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